



GENERAL SERVICES DEPARTMENT AMERICANS WITH DISABILITIES ACT (ADA) TRANSITION PLAN - POLICY

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SECTION 504 COMPLIANCE (FEDERAL GRANTS)

The objective of the federal Section 504 is to ensure that entities receiving federal funding or grants do not discriminate against persons with disabilities. Clark County is in receipt of and administers federal assistance grants and funding.

24 CFR PART 8 - SECTION 504

Section 504 states:

“No otherwise qualified individual with a disability in the United States... shall, solely by reason of her or his disability, be excluded from participation in, be denied the benefits of, or be subjected to

discrimination under any program, service or activity receiving Federal financial assistance or under any program or activity conducted by any Executive agency or by the United States Postal Service.”

INDIVIDUAL WITH DISABILITIES DEFINED

Section 504 regulations define an individual with a disability as any person who has a physical or mental disability that substantially limits one or more major life activities; has a record of such an impairment; or is regarded as having such an impairment [24 CFR 8.3]. Major life activities include walking, talking, hearing, seeing, breathing, learning, performing manual tasks, and caring for oneself. The law also applies to individuals who have a history of such impairments as well as those who are perceived as having such impairment.

A person who meets the above definition, and who is otherwise qualified for the program, service or activity, is covered under Section 504. To be otherwise qualified means the individual meets the essential eligibility requirements, including, for example, requirements for tenancy, if the program is a housing program.

RECIPIENT DEFINED

The regulations define “recipient” as any State or its political subdivision, any instrumentality of a State or its political subdivision, any public or private agency, institution, organization, or other entity, or any person to which Federal financial assistance is extended for any program or activity directly or through another recipient, including any successor, assignee, or transferee of a recipient, but excluding the ultimate beneficiary of the assistance. An entity or person receiving housing assistance payments from a recipient on behalf of eligible families under a housing assistance payments program or a voucher program is not a recipient or sub-recipient merely by virtue of receipt of such payments [24 CFR 8.3].

SECTION 504 COVERAGE

Section 504 covers all programs, services and activities of recipients of federal financial assistance, including, for example:

- Outreach and public contact, including contact with program applicants and participants
- Eligibility criteria
- Application process
- Admission to the program
- Tenancy, including eviction
- Service delivery
- Employment policies and practices

SECTION 504 PROHIBITIONS AGAINST DISCRIMINATION

Guarantee	Prohibition
1. Opportunity to participate	1. Denying a qualified individual with disabilities the opportunity to participate in, or benefit from, the housing, aid, benefit, or service.
2. Equality of benefits	2. Failing to afford a qualified individual with disabilities the opportunity for equal participation and benefit.
3. Equality of opportunity	3. Failing to provide a qualified individual with disabilities a program or service that affords the same opportunity to benefit as that afforded others.
4. No unnecessary difference or separateness	4. Providing different or separate housing, aid, benefits or services on the basis of disability unless providing such is necessary to provide housing or benefits that are as effective as that provide to persons without disabilities.
5. No assistance to entities that discriminate	5. Providing significant assistance to an agency, organization or person that discriminates on the basis of disability in any aspect of a federally assisted activity.
6. Opportunity to serve on boards	6. Denying a qualified individual with disabilities the opportunity to participate as a member of planning or advisory boards.
7. No denial of right to a dwelling	7. Denying a dwelling to an otherwise qualified buyer or renter because of a disability of that buyer or renter or another prospective tenant.
8. No discriminatory limitation of benefits	8. Limiting in any other manner a qualified individual with disabilities in the enjoyment of any right, privilege, advantage, or opportunity afforded to others.
9. Most integrated setting	9. Providing programs or services to qualified individuals with disabilities in settings that are unnecessarily separate, segregated or restricted.

CLARK COUNTY RESPONSIBILITIES UNDER SECTION 504

In order to comply with Section 504, Clark County must:

- Take steps to ensure effective communication with applicants, beneficiaries, and members of the public. [24 CFR 8.6]
- Take steps to ensure that employment activities, including job announcements, recruitment, interviews, hiring, work assignments, promotions and dismissals, do not discriminate on the

basis of disability.
[24 CFR 8.10 - 8.13]

- Ensure that all non-housing programs are operated in a manner that does not discriminate on the basis of disability and that new construction and alterations of non-housing facilities are made accessible in accordance with applicable standards. [24 CFR 8.21]
- Operate existing housing programs in a manner that does not discriminate on the basis of disability, and take steps, as needed, to ensure that existing housing programs are readily accessible to and usable by persons with disabilities. Develop and implement a transition plan to assure compliance. [24 CFR 8.24]
- Provide reasonable accommodations which may be necessary for a person with a disability to use or participate in the program, service or activity; unless the recipient can demonstrate that the accommodation will result in an undue financial and administrative burden or a fundamental alteration in the nature of the program, service or activity. A reasonable accommodation is an adaptation or modification to a policy, program, service, or workplace which will allow a qualified person with a disability to participate fully in a program, take advantage of a service, or perform a job. Reasonable accommodations may include, but are not limited to, adjustments or modifications to buildings, facilities, dwellings, and may also include provision of auxiliary aids, such as readers, interpreters, and materials in accessible formats. [24 CFR 8.4, 8.11, 8.20, 8.21, 8.24, 8.25, 8.33]
- Pay for a reasonable accommodation needed by the individual (e.g., a ramp to a unit) unless providing that accommodation would be an undue financial and administrative burden or a fundamental alteration of the program. [24 CFR 8.4, 8.11, 8.20, 8.21, 8.24, 8.25, 8.33]
- Ensure that all new construction of housing facilities is readily accessible to and usable by persons with disabilities, and meets the requirements of applicable accessibility standards. [24 CFR 8.22 and 8.32]
- Ensure that substantial alterations, when undertaken, meet the requirements for new construction. [24 CFR 8.23(a)] Ensure that all other alterations, to the maximum extent feasible, meet the requirements of the applicable accessibility standards. [24 CFR 8.23(b)]
- Conduct any required needs assessments (for recipients who are public housing agencies) to determine the extent to which the housing needs of persons with disabilities are being met in the recipient's program and in the community. [24 CFR 8.25]
- Distribute accessible dwelling units throughout projects and sites and make such units available in the same ranges of sizes and amenities to provide housing choices for persons with disabilities that are the same as those provided to others. [24 CFR 8.26]
- Adopt suitable means to ensure persons with disabilities are made aware of the availability of accessible units and to maximize use of accessible units by individuals needing the features of these units. [24 CFR 8.27]
- Conduct any required self-evaluations of programs, services, and activities to determine if they are programmatically and physically accessible to persons with disabilities, and involve persons with disabilities in these evaluations. [24 CFR 8.51]
- Recipients with 15 or more employees—designate an employee to ensure the recipients' programs, services and activities meet the requirements of Section 504; adopt a grievance

procedure to effect due process standards and prompt and equitable resolutions of complaints. [24 CFR 8.53]

- Recipients with 15 or more employees—notify participants, beneficiaries, applicants and employees of their nondiscriminatory provisions. [24 CFR 8.54]
- Maintain records and reports of efforts to meet the requirements of Section 504, and keep these records on file so that they are available if a complaint is filed, or if {a federal compliance office} conducts a compliance review. [24 CFR 8.55]

RESPONSIBILITIES OF PERSONS WITH DISABILITIES

Persons with disabilities can help assure compliance with Section 504 in a variety of ways:

- It is the responsibility of the person with a disability to request a reasonable accommodation if such accommodation may be necessary to allow him or her to participate in the recipient's program, service or activity. [24 CFR 8.4, 8.11, 8.20, 8.21, 8.24, 8.25, 8.33]
- Persons with disabilities, just like any other persons, are expected to comply with any applicable requirements of programs, including, for example in the case of housing programs, the requirement to meet obligations of tenancy.

NOTICE TO PARTICIPANTS AND APPLICANTS OF PROGRAM

Where possible, Section 504 Coordinators will distribute and post (or have posted) a notice to applicants and participants, that the program, service or activity is federally funded and must meet the mandates of Section 504 of the Rehabilitation Act of 1973 and the ADA. The Notice to Participants and Applicants of Program Form can be located in the Reports and Forms section of this policy.

COMPLAINTS

Persons with disabilities who believe they have been subjected to discrimination prohibited by Section 504 may file a complaint with the Clark County ADA Compliance Office, U.S. Department of Justice or the U.S. Department of Housing and Urban Development when discrimination in housing is alleged. Any person who believes that any specific class of persons has been subjected to discrimination prohibited by Section 504 and who is a member of that class or who is the authorized representative of a member of that class may file a complaint with the Department. [24 CFR 8.26(c)] To file a complaint, the following offices may be contacted. Also refer to the Reports and Forms Section of this policy to view/acquire complaint forms.

Clark County ADA Coordinator General Services Department ADA Program Coordination 1300 Franklin Street - Suite 644 Vancouver, WA 98660 (Voice) 360-397-6008; (TTY) 360-397-2445;	U.S. Department of Justice 950 Pennsylvania Avenue, NW Civil Rights Division Disability Rights – NYAVE Washington, D.C. 20530
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FAX (360) 397-6027 Relay Service 711; Speech to Speech Relay 1- (800) 833-6384 Email: ADA@Clark.WA.GOV	
Fair Housing HUD U.S. Department of Housing and Urban Development Seattle Federal Office Building 909 First Avenue, Room 205 Seattle, Washington 98104-1000 (206) 220-5170 1-800-877-0246 TTY (206) 220-5185	

CLARK COUNTY DEPARTMENT RESPONSIBILITIES

Section 504 coordination duties, that ensure full compliance with this section of the Rehabilitation Act of 1973 and other any federally mandated grant requirements, will be the responsibility of respective county departments in receipt of federal grant funds. Each department in receipt of funds will assign a Section 504 coordinator.

DEPARTMENT SECTION 504 COORDINATORS

Department	504 Coordinator	Department	504 Coordinator
PA-Child Support	Sharon Harris	Public Works	Linda Small
Sheriff's Office	Mary Malicki	Health Depart	Dick Engstrom
CAIC	Mary Herdener	Juvenile Department	Pat Borner
Community Services	Ron Curtin	Human Resources	Kathy Back

DEPARTMENT SECTION 504 COORDINATOR – RESPONSIBILITIES

1. Assure that respective departments comply with all grant requirements through developing, implementing and monitoring processes.
2. Creates and insures the appropriate communication of complaint procedures for the public, employees and service recipients.
3. Creates and implements effective communication mechanisms to acquaint participants, beneficiaries, applicants and employees of rights under all grants.
4. Assures that sub-recipients comply with all grant requirements and that sub-recipients have complaint and compliance procedures in place.
5. Investigate complaints filed under Title VI of the Civil Rights Act of 1964 as amended, Section 504 of the Rehabilitation Act of 1973, Civil Rights Restoration Act of 1987, and the Americans with Disabilities Act of 1990, relating to any program or activity administered by Clark County, as well as to sub-recipients, consultants and contractors.

6. Serves as the department liaison with grantor agencies on compliance issues including on-site compliance monitoring activities.
7. Works with the County ADA coordinator as needed when grant require ADA compliance.
8. Maintain all related files and reports.

ADA COORDINATOR - RESPONSIBILITIES

The Clark County ADA Coordinator will assist department 504 coordinators with ADA compliance issues pursuant to federal grant compliance requirements. Responsibilities include but may not be limited to:

1. Direct complaints and inquiries regarding grants to the appropriate county departments
2. Assist county department 504 coordinators with complaints and investigations regarding alleged non-compliance of grant mandates.
3. Prepare ADA accessible surveys for inspections.
4. Assist with ADA inspections when requested.
5. Serve as a resource on ADA issues

SECTION 504 ASSURANCE OF COMPLIANCE

Contractors, sub-constructors and entities participating in Section 504 programs will be required to show compliance with the ADA and Section 504 regulations. Clark County has established a recording procedure for all Section 504 contractor participants. Assurance of compliance documentation will be required. Documentation includes:

1. Section 504 of the Rehabilitation Act of 1973 & ADA - General Information
2. ADA Self-Evaluation Questionnaire
3. Checklist for Readily Achievable Barrier Removal
4. Assurance of Compliance Form
5. Corrective Action Plan
6. Notice to Program Applicants

These forms may be accessed in the *"Forms and Reports"* section of this policy.